

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

MARCELLA BEASLEY,)
)
 Plaintiff,)
)
 v.) CIV-04-544-FHS
)
BARBARA JEAN FARMER,)
)
 Defendant.)

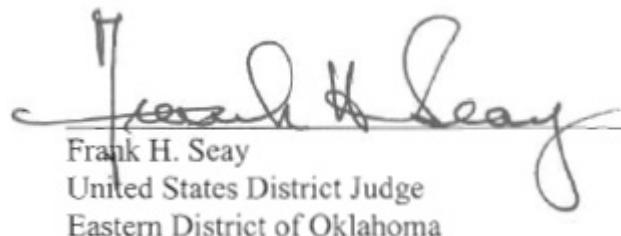
ORDER AND OPINION

On December 10, 2004, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983. In this Complaint, plaintiff alleges that she suffered constitutional violations while being housed at the Mabel Bassett Correctional Facility. As to the defendant, Barbara Jean Farmer, plaintiff alleges she was an inmate at the facility as well and Ms. Farmer threatened her on several occasions. In the Complaint, plaintiff never alleges defendant Farmer was acting under color of state law.

The court has carefully reviewed the record and construes plaintiff's pleadings liberally. Haines v. Kerner, 404 U.S. 519 (1972). However, the complaint fails to state the defendant Barbara Jean Farmer was acting under color of state law, a jurisdictional requirement for all § 1983 claims. There must be some allegation that the defendant's conduct is sufficiently connected to state actions. Plaintiff's Complaint completely fails to make this allegation. See Polk County v. Dodson, 454 U.S. 312, 315 (1981). Accordingly, this action is, in all respects, **DISMISSED** without prejudice for lack of subject-matter

jurisdiction. See Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94 (1998).

IT IS SO ORDERED this 1st day of March, 2007.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma